THE HYDERABAD NURSES, MIDWIVES AND HEALTH VISITORS REGISTRATION ACT, 1951.

No. XIX OF 1951.

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*THE HYDERABAD NURSES, MIDWIVES AND HEALTH VISITORS REGISTRATION ACT, 1951.

No. XIX OF 1951.

Whereas it is expedient to provide for the registration of nurses, midwives and health visitors in the Hyderabad State;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Nurses, Midwives and Health Visitors Registration Act, 1951.

(2) It extends to the whole of the Hyderabad State.

(3) It shall come into force on such date as Government may by Notification in the Jarida appoint.

Definitions.

2. In this Act unless there is anything repugnant in the subject or content:—

(*a*) "bye-law" means a bye-laws made by the Council under section 19;

(*b*) "Council" means the Hyderabad Nurses, Midwives and Health Visitors Council constituted under this Act;

(*c*) "nurse" includes a male nurse;

(*d*) " prescribed " means prescribed by rules;

(*e*) "register" means a register maintained under section 11 and the expressions "registration" and "registered" shall be construed accordingly;

(*f*) "rule" means a rule made under section 18.

Establishment, incorporation and composition of the Council.

3. (1) Government shall by Notification in the Jarida establish a Council to be called the Hyderabad Nurses, Midwives and Health Visitors Council for the purpose of carrying out the provisions of this Act. The Council so constituted shall be a body corporate and have perpetual succession and a common seal and may by the said name sue or be sued.

(2) The Council shall consist of the following members, namely:—

(*a*) ex-officio members

† [(*i*) the Director, Medical and Health Services;

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* Published in Gazette Ordinary No. 21, dated 24th May, 1951.

† Substituted by Act. No. XII of 1954, published in Gazette Extraordinary No. 94, dated 27th April, 1954.

(*ii*) the Additional Director, Medical and Health Services ;

(*iii*) the Officer-in-Charge, Osmania General Hospital];

(*iv*) the Lady Superintendent of Nursing Services, Hyderabad ;

(*v*) the Matron-in-Charge, Osmania General Hospital ;

(*iv*) the Matron-in-Charge, King Edward Memorial Hospital ;

(*vii*) the Matron-in-Chage, Victoria Zenana Hospital ;

(*viii*) the Matron-in-Chage, T.B. Hospital.

(*b*) elected members—

(*i*) two registered medical practitioners (one of whom shall be a woman) to be elected by the Hyderabad State Medical Council in the prescribed manner ;

(*ii*) two registered nurses to be elected by registered nurses, midwives and health visitors in the prescribed manner ;

(*iii*) member elected by the trained Nurses Association of India.

(*c*) members nominated by Government—

(*i*) one registered nurse, one registered midwife and one registered health visitor ;

(*ii*) two non-officials neither of whom shall be a registered nurse, registered midwife or registered health visitor and at least one of whom shall be a woman.

(3) The *[Director, Medical and Health Services] shall be the the President *ex-officio* of the Council, and the Vice-President of the Council shall be elected annually from among the members of the Council and shall hold office for one year or until the election of his successor.

Appointment of members in default of election.

4. If either of the electing bodies referred to in clause (*b*) of sub-section (2) of section 3 has, by such date as may be prescribed, elected no person or one person only to be a member of the Council, Government shall, by order in writing, appoint to the vacancies or vacancy two persons or one person, as the case may be, qualified for election by the electing body concerned, and any person so appointed shall be deemed to be a member of the Council as if he had been duly elected by the said electing body.

Period of office of members.

5. The members of the Council, other than the ex-officio members specified in sub-clauses (*i*) to (*vii*) of clause (*a*) of sub-section (2) of section 3, shall hold office for a period of five years or for such less period as Government may prescribe in this behalf :

* Substituted by Act No. XII of 1954.

Provided that an outgoing member shall continue in office until the election or nomination of his successor, as the case may be.

Vacancies.

6. When a vacancy occurs in the office of a member of the Council through death, resignation, removal or disability of such member or otherwise, previous to the expiry of the period of his office, the vacancy shall be filled in the manner prescribed. Any person elected or nominated to fill a casual vacancy shall, notwithstanding anything contained in section 5, hold office for so long only as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

Vacancy not to affect proceedings.

7. If a vacancy in the office of a member of the Council has occurred, the continuing members thereof shall act as if no vacancy had occurred, and no act or proceeding of the Council shall be deemed invalid merely by reason of a vacancy in the Council or of a defect in the election or nomination of a person acting as a member of the Council.

Disqualifications.

8. No person shall be a member of the Council—

(*a*) who has been sentenced by a criminal court for an offence punishable with imprisonment for a term exceeding three months or with transportation, such sentence not having been subsequently reversed, quashed or remitted, unless he has by order, which Government is hereby empowered to make in this behalf, been relieved from the disqualification arising on account of such sentence, or

(*b*) who is an undischarged insolvent, or

(*c*) who has been adjudicated by a competent court to be of unsound mind, or

(*d*) whose name has been removed from the register.

Disabilities from continuing as member.

9. (1) If any member, during the period for which he has been elected or nominated—

(*a*) absents himself without excuse, sufficient in the opinion of the Council, from three consecutive ordinary meetings of the Council; or

(*b*) is absent out of India for a period exceeding eight consecutive months; or

(*c*) becomes subject to any of the disqualifications specified in section 8; or

(*d*) having been elected under sub-clause (*i*) or sub-clause (*ii*) of clause (*b*) of sub-section (2) of section 3, ceases to be a registered medical practitioner or a registered nurse, as the case may be, the President of the Council shall forthwith report the fact to Government, who shall thereupon, by order in writing, declare his seat to be vacant.

Leave of absence to members.

10. The Council may permit any member to absent himself from the meetings of the Council for any period not exceeding six months.

Maintenance of register.

11. The Council shall maintain a register of—

(*i*) nurses,

(*ii*) midwives, and

(*iii*) health visitors,

in such forms and containing such particulars as may be prescribed.

Persons entitled to registration.

12. (1) Each of the registers referred to in section 11 shall be maintained in two parts.

(2) In Part I there shall be registered the names of all persons who have undergone the training, passed the examinations and satisfied the conditions prescribed in respect of nurses, midwives and health visitors, as the case may be.

(3) In Part II there shall be registered the names of all persons not qualified for registration in Part I who were practising as nurses, midwives or health visitors at the commencement of this Act, and who satisfy the conditions prescribed in this behalf:

Provided that no name shall be registered in Part II after the expiration of three years from the commencement of this Act.

(4) A certificate of registration shall be issued in the prescribed form to every person whose name is registered in Part I or Part II of any of the registers referred to in section 11.

Refusal of registration and removal and re-entry of names.

13. (1) Subject to such conditions as may be prescribed, the Council may, after giving an opportunity to the person concerned to be heard in his defence and to appear, and after holding an inquiry in the prescribed manner, refuse to enter in the register the name of any person, or may order the removal of the name of such person from the register.

(2) An order passed under sub-section (1) shall be in writing, and shall be served on the person concerned in the prescribed manner.

(3) The Council may direct that the name of any person against whom an order under sub-section (1) has been passed shall be entered or re-entered in the register, as the case may be.

(4) A person whose name is removed from the register under this section shall return the certificate issued to him under sub-section (4) of section 12, and if he fails to return the same the certificate shall be deemed to be cancelled.

14. (1) Any person, aggrieved by any order of the Council under section 13, may, within three months from the date on which such order is served, appeal against such order to Government. **Appeal from order under section 13.**

(2) The order of Government on any such appeal shall be final.

15. Any person who— **Penalty for dishonest use of certificates.**

(*a*) dishonestly makes use of any certificate of registration issued under the provisions of this Act to such person or to any other person,

(*b*) procures or attempts to procure registration under the provisions of this Act, by making or producing or causing to be made or produced any false or fraudulent declaration, certificate or representation whether in writing or otherwise, or

(*c*) wilfully makes or causes to be made any false representation in any matter relating to the register or the certificates issued under the provisions of this Act,

shall be punishable with fine not exceeding two hundred and fifty rupees.

16. (1) Any person, who, not being a registered nurse or health visitor, takes or uses the name or title of registered nurse or uses any name, title, description, uniform, badge or sign-board with the intention that it may be believed or with the knowledge that it is likely to be believed that such person is a registered nurse or health visitor, shall be punishable with fine not exceeding one hundred rupees. **Penalty for unlawful assumption of title of registered nurse, midwife or health visitor.**

(2) Any person, who not being a registered midwife, take or uses the name or title of registered midwife or uses any name, title, description, uniform, badge or sign-board with the intention that it may be believed or with the knowledge that it is likely to be believed that such person is a registered midwife shall be punishable with fine not exceeding fifty rupees.

17. No Magistrate other than a Magistrate of the First Class shall take cognizance of or try any offence under this Act. **Court competent to try offence under the Act.**

18. (1) Government may, after previous publication, make rules to carry out all or any of the purposes of this Act. **Rules.**

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(*a*) regulate the conduct of elections of members of the Council;

(*b*) regulate the conditions of admission to the register;

(*c*) regulate the conduct of any examination which may be prescribed as a condition of admission to the register and any matters ancillary to or connected with such examination;

(*d*) specify the causes for which, the conditions under which and the manner in which, nurses, midwives and health visitors may be removed from the register and the procedure for restoration to the register of nurses, midwives and health visitors who have been removed therefrom;

(*e*) determine the manner in which all fees levied under this Act and all moneys received by the Council shall be applied for the purposes of this Act;

(*f*) fix the fees to be paid in respect of an appeal under this Act;

(*g*) provide for any matter which is to be, or may be, prescribed.

Power of the council to mak bye-laws.

19. (1) The Council may make bye-laws not inconsistent with this Act or the rules—

(*a*) for regulating the compilation, maintenance and publication of the register;

(*b*) for regulating the publication of the names and addresses of registered nurses, midwives and health visitors;

(*c*) for regulating and supervising the practice of their profession by registered nurses, midwives and health visitors;

(*d*) for regulating the summoning of meetings of the Council and its proceedings;

(*e*) for appointing a Registrar and such other servants as may be necessary;

(*f*) for fixing the rates of fees to be charged for the prescribed examinations, for admission to the register and for registration;

(*g*) for regulating the expenditure of the Council and providing for the audit thereof;

(*h*) generally for any matters in respect of which the Council considers that provision should be made for the purposes of this Act.

(2) No bye-law made by the Council shall come into force until it has been confirmed by Government with or without modification or amendment.

(3) Every such bye-law shall, when so confirmed, be published in the Jarida.

Protection of persons acting in good faith under the Act, rules and bye-laws.

20. No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or under the rules or bye-laws.